

Instrument prepared by:

VIRGINIA GAS AND OIL BOARD

090002345

Order recorded under:

CODE OF VIRGINIA
§ 45.1-361.26

VIRGINIA:

BEFORE THE GAS AND OIL BOARD

APPLICANTS:

CNX Gas Company LLC on behalf of and Carl Davis for Tract 4c; and heirs of the O.H. Keen including Nellie Maynard, Danny Elder, Robert Elder, and Joseph P Horne Tract 4f.

DOCKET NO.

97-0318-0571-05

RELIEF SOUGHT:

Issuance: A Supplemental Order for Disbursement of Escrowed Funds
Action: Amending Prior Orders Affecting Drilling **W-34, and relative to Tract 4c and a portion of Tract 4f.**
(Referenced herein as "the Subject Drilling Unit")

Location: Buchanan County, Virginia

Action Details:

- (1) To provide a calculation of funds, Unit Operator has deposited into the Escrow Account for Drilling Unit **W-34** by Tract Subaccounts;
- (2) To provide each applicant, in simple terms, a complete month over month Royalty Accounting of unit production, costs, taxes and proceeds, depicting variables used in the calculation of royalty payments to the unit escrow account.
- (3) To disburse unit funds to the Applicants, in accordance with their Unit Ownership Interests relative to those funds deposited by the Unit Operator into Subject Drilling

REPORT OF THE BOARD

FINDINGS AND ORDER

1. **Hearing Date and Place:** This matter came on for final hearing before the Virginia Gas and Oil Board (herein "Board") at 9:00 a.m. on April 21, 2009 at the Russell County Government Center in Lebanon VA.
2. **Appearances:** , Mark A. Swartz, Esq. SWARTS Law Offices PLLC appeared for the Unit Operator; and Sharon M.B. Pigeon, Assistant Attorney General, was present to advise the Board.
3. **Jurisdiction and Notice:** Pursuant to Va. Code §§ 45.1-361.1 *et seq.*, and in particular Va. Code §§ 45.1-361.21 and 45.1-361.22, the Board finds that it has jurisdiction over the establishment and maintenance of an escrow account, with tract sub accounts, for each of the coalbed methane gas drilling units established by the Board through its field rules that are subject to a Board pooling order. Further, the Unit Operator is required to deposit, as applicable, those funds specified in Va. Code § 45.1-361.21.D., 45.1-361.22.A.2, 45.1-361.22.A.3 and 45.1-361.22.A.4 into the applicable escrow tract sub accounts. The Board finds that: (1) while it **does not** have jurisdiction to resolve conflicting claims to the ownership of the Coalbed Methane Gas produced by the Unit Operator from wells located on Subject Drilling Unit, and (2) while it **does not** have jurisdiction to interpret agreements by and between the Gas owners/claimants and/or the Unit Operators or to abridge or contravene the provisions of such agreements, (3) pursuant to Va. Code § 45.1-361.22.A.5, **the Board does have jurisdiction and authority to disburse funds from the Escrow Account** provided the Board has been provided with a final decision of a court of competent jurisdiction adjudicating the ownership of coalbed methane gas as between the conflicting claimants or an agreement among all claimants owning conflicting estates in the tracts in question or any undivided interest therein.

4. **Prior Proceedings:**

- 4.1. (a) On March 18, 1997 the Board executed its order pooling interests in the Subject Drilling Unit for the production of occluded natural gas produced from coalbeds and rock strata associated therewith (herein "Gas") in accordance with the provisions of Va. Code SS 45.1-361.21 and 45.1-361.22 (herein "Pooling Order"). The Pooling Order was filed with the Clerk of the Circuit Court of Buchanan County on June 4, 1997, Instrument 970001591. The Supplemental Order regarding elections, Unit W-34 was filed with the Clerk of the Circuit Court of Buchanan County on September 3, 1997, Instrument 970002416.
 - 4.1.1. The board executed a Pooling (Re-pooling) order (-01) in the Subject Drilling Unit for the production of occluded natural gas produced from coalbeds and rock strat associated therewith (herein "Gas") in accordance with the provisions of Va. Code SS 45.1-361.21 and 45.1-361.22 (herein "Pooling Order"). The Pooling Order was filed with the Clerk of the Circuit Court of Buchanan County on July 2, 1999, Instrument 990001805. The Supplemental Order regarding the RePooling (-01) and elections, Unit W-34 was filed with the Clerk of the Circuit Court of Buchana County on November 17, 1999, Instrument 990002913.
 - 4.1.2. The Board executed its Pooling (Re-Pooling) (-02) in the Subject Drilling Unit for the production of occluded natural gas produced from coalbeds and rock strat associated therewith (herein "Gas") in accordance with the provisions of Va. Code SS 45.1-361.21 and 45.1-361.22 (herein "Pooling Order"). The Pooling (Re-Pooling) Order was filed with the Clerk of the Circuit Court of Buchanan County on June 22, 2005, Instrument 050001848.
 - 4.1.3. The Board executed its Amended Supplemental Order (-03 and -04) Amending Prior Orders Affecting Drilling Unit W-34 and approved Disbursement of funds for VGOB Tracts 4a, 4b, 4d, and 4e, and Disbursement to and O. H. Keen Heirs subject to a split agreement. This amended order and Disbursement was filed with the Clerk of the Circuit Court of Buchanan County on February 7, 2006, Instrument 060000392.
 - 4.1.4. The Board executed its Supplemental Order (-02) and Disbursement Orders (-03) regarding the Elections for Unit W-34 *sua sponte* in the Clerk of the Circuit Court of Buchanan County on August 8, 2008, Instrument 080002956.
- 4.2. To the extent claims to the Gas were in conflict, pursuant to Va. Code S 45.1-361-22 payments attributable to said conflicting claims were ordered deposited by the Unit Operator into the escrow account established by the Pooling Orders (herein "Escrow Account"). According to the Pooling Orders and testimony, the coal estate ownership interests of Hurt McGuire Land Trust ; and the gas ownership interests of Carl Davis in Tract 4c and certain of the Linkous Horn Heirs in a portion of Tract 4f. in the Subject Drilling Unit were in conflict and became subject to the escrow requirements of the Pooling Order.
- 4.3. The Unit Operator's Miscellaneous Petition regarding tract 4c and a portion of Tract 4f. a copy of which is attached to and made a part hereof, states under oath that Hurt McGuire Land Trust and the Applicants have entered into an agreement with regards to Tract 4c and a portion of Tract 4f and that by the terms of the agreements, Hurt McGuire Land Trust has entered into a split agreement regarding the tract and escrow regarding these individual conflicting claims detailed herein, is no longer required for these parties.
- 4.4. The Unit Operator gave notice to Hurt McGuire Land Trust and the applicants that the Board would consider its disbursement authorization at its hearing on April 21, 2009 and consider whether to: (1) amend the Pooling Order to provide for the disbursement a portion of funds on deposit in the Escrow Account attributable to Tract 4c and a portion of Tract 4f identified in the attached miscellaneous petition (2) delete the requirement that the Unit Operator place future royalties attributable to Tract 4c and a portion of Tract 4f relative to the interests of Applicants identified in the miscellaneous petition in the Escrow Account, and (3) continue the escrow account under this docket number because there are other parties and Tracts under this order subject to continued payments in the escrow.
- 4.5. The Unit Operator filed the attached accounting for Subject Drilling Unit's Escrow Account with the Board ("Accounting").

5. **Findings:**

5.1. Va. Code 45.1-361.22.5 provides:

The Board shall order payment of principal and accrued interests, less escrow account fees, from the escrow account to conflicting claimants within thirty days of receipt of notification of (i) a final decision of a court of competent jurisdiction adjudicating the ownership of coalbed methane gas as between them or (ii) an agreement among all claimants owning conflicting estates in the tracts in question or any undivided interest therein. The amount to be paid to the conflicting claimants shall be determined based on the percentage of ownership interest of the conflicting claimants as shown in the operator's supplemental filing made part of the pooling order that established the escrow account, the operator's records of deposits attributable to those tracts for which funds are being requested, and the records of the escrow account for the coalbed methane gas drilling unit. The interests of any cotenants who have not entered into an agreement shall remain in the escrow account.

5.2 Applicant has certified and represented to the Board that:

- (1) Hurt McGuire Land Trust and Carl Davis are the owners of the coal and gas acreage estated underlying VGOB Tract 4c; and Hurt McGuire Land Trust and Nellie A Maynard, Danny W. Elder, Robert G. Elder, and Joseph P. Horne. are the owners of the coal and gas acreage estate underlying a portion of VGOB Tract 4f and of the Subject Drilling Unit;

(2) Net interests attributable and to be disbursed to Applicants are shown in Table 1,

VGOB Approved Disbursement
VGOB-97-0318-0571-03
W-34

		Frac Interest	Acreage Interest Disbursed	Split Agreement	Escrowed Acres Total	% of Escrowed Funds
Table 1						
Tract	Disbursement Table					
	Totals				8.8482	
Hurt McGuire Land Trust			5.4700	50.0%	2.735	30.9104%
4c	Hurt McGuire Land Trust C/o Charles Green / PO Box 1067 / Bluefield, VA 24605					
Carl Davis						
4c	Carl Davis / PO Box 343 / Doran VA 24612		5.4700	50.0%	2.735	30.9104%
Hurt McGuire Land Trust		11.91	0.3308	50.0%	0.165	1.8695%
4f	Hurt McGuire Land Trust C/o Charles Green / PO Box 1067 / Bluefield, VA 24605					
O.H. Keen Heirs		11.91	0.3308			
4f	Nellie Maynard / Box 296 / Raven, VA 24639	1/324	0.0368	50.0%	0.018	0.2077%
4f	Danny W. Elder / PO Box 296 / Raven VA 24639	1/324	0.0368	50.0%	0.018	0.2077%
4f	Robert G. Elder / PO Box 65 Raven, VA 24639	1/324	0.0368	50.0%	0.018	0.2077%
4f	Joseph P Horne / 492 Gray Branch Road / Cedar Bluff, VA 24639	1/54	0.2206	50.0%	0.110	1.2463%

6. Relief Granted:

For the reasons set forth in Paragraph 4 and 5 above, and based upon the Accounting and Table 1 above, the Escrow Agent is ordered to, within 10 days of receipt of this executed order to disburse funds for the unit and applicants detailed in Table 1 above.

Exhibit E to the Pooling Order, showing owners subject to escrow, is deleted and replaced with the Exhibit E attached to this order. Further, the Supplemental Order filed in this cause is hereby modified to delete the requirement that payments attributable to the conflicting coalbed methane gas ownership interests of those applicants indicated in Table 1 be deposited by the Unit Operator into the Escrow Account, and, because there are no other owners subject to escrow under the Supplemental Order, the Escrow Agent is directed to close the Escrow Account for Subject Drilling Unit. To the extent not specifically granted herein, any other or further relief is denied.

7. Conclusion:

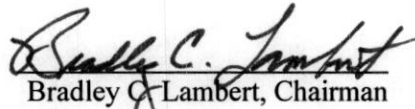
Therefore, the requested relief and all terms and provisions set forth above in Paragraph 6 above be and hereby are granted and **IT IS SO ORDERED.**

8. **Appeals:**

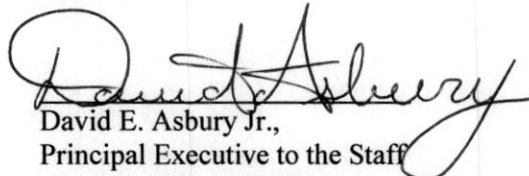
Appeals of this Order are governed by the provisions of Va. Code § 45.1-361.9 which provides that any order or decision of the Board may be appealed to the appropriate circuit court and that whenever a coal owner, coal operator, gas owner, gas operator, or operator of a gas storage field certificated by the State Corporation Commission is a party in such action, the court shall hear such appeal de novo.

9. **Effective Date:** This Order shall be effective on the date of its execution.

DONE AND EXECUTED this 20 day of July, 2009 by a majority of the Virginia Gas and Oil Board.

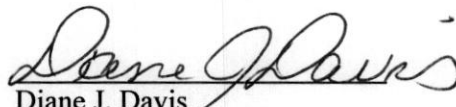

Bradley C. Lambert, Chairman

DONE AND PERFORMED this 20 day of July, 2009 by an Order of this Board.


David E. Asbury Jr.,
Principal Executive to the Staff
Virginia Gas and Oil Board

**COMMONWEALTH OF VIRGINIA)
COUNTY OF WASHINGTON**

Acknowledged on this 20th day of July, 2009, personally before me a notary public in and for the Commonwealth of Virginia, appeared **Bradley C. Lambert**, being duly sworn did depose and say that he is the Chairman of the Virginia Gas and Oil Board and **David E. Asbury Jr.**, being duly sworn did depose and say that he is Principal Executive to the Staff of the Virginia Gas and Oil Board, that he executed the same and was authorized to do so.


Diane J. Davis
Notary Public #174394

My commission expires: 09 / 30 / 2009



BEFORE THE VIRGINIA GAS AND OIL BOARD

PETITIONER: CNX Gas Company LLC

DIVISION OF GAS AND OIL

DOCKET NO: VGOB 97-0318-0571-03⁰⁵

RELIEF SOUGHT: (1) DISBURSEMENT FROM
ESCROW REGARDING TRACT(S) 4C & a portion of 4F
(2) AND AUTHORIZATION FOR DIRECT
PAYMENT OF ROYALTIES

HEARING DATE: April 21, 2009

DRILLING UNIT: W-34

BUCHANAN COUNTY, VIRGINIA

MISCELLANEOUS PETITION

1. **Petitioner and its counsel:** Petitioner is CNX Gas Company LLC, 2481 John Nash Boulevard, Bluefield, West Virginia 24701, 304/323-6500. Petitioner's counsel is Mark A. Swartz, **SWARTZ LAW OFFICES, PLLC.**, 601 Sixth Avenue, Suite 201, P.O. Box 1808, St. Albans, WV 25177-1808.
2. **Relief sought:** (1) the disbursement of escrowed funds heretofore deposited with the Board's Escrow Agent(s) attributable to Tract(s) 4C & a portion of 4F as depicted upon the annexed Exhibit A; and (2) authorization to begin paying royalties directly to the parties to the royalty split between Hurt McGuire Land Trust and Carl Davis; and Hurt McGuire Land Trust and Nellie A. Maynard, Danny W. Elder, Robert G. Elder, and Joseph P. Horne.
3. **Legal Authority:** Va. Code Ann. § 45.1-361.1 et seq., 4 VAC 25-160-140., and relevant Virginia Gas and Oil Board Orders ("Board") heretofore promulgated pursuant to law.
4. **Type of well(s):** Coalbed methane.
5. **Factual basis for relief requested:** Hurt McGuire Land Trust and Carl Davis; and Hurt McGuire Land Trust and Nellie A. Maynard, Danny W. Elder, Robert G. Elder, and Joseph P. Horne have entered into royalty split agreement(s). Said royalty split agreement allows the Applicant and Designated Operator to pay royalties directly to the persons identified in Exhibit EE annexed hereto and the annexed Exhibit A, further, specifies how said royalties are to be divided and paid.
6. **Attestation:** The foregoing Petition to the best of my knowledge, information, and belief is true and correct.

CNX GAS COMPANY LLC
BY ITS PROFESSIONAL MANAGER
CNX GAS COMPANY LLC, PETITIONER

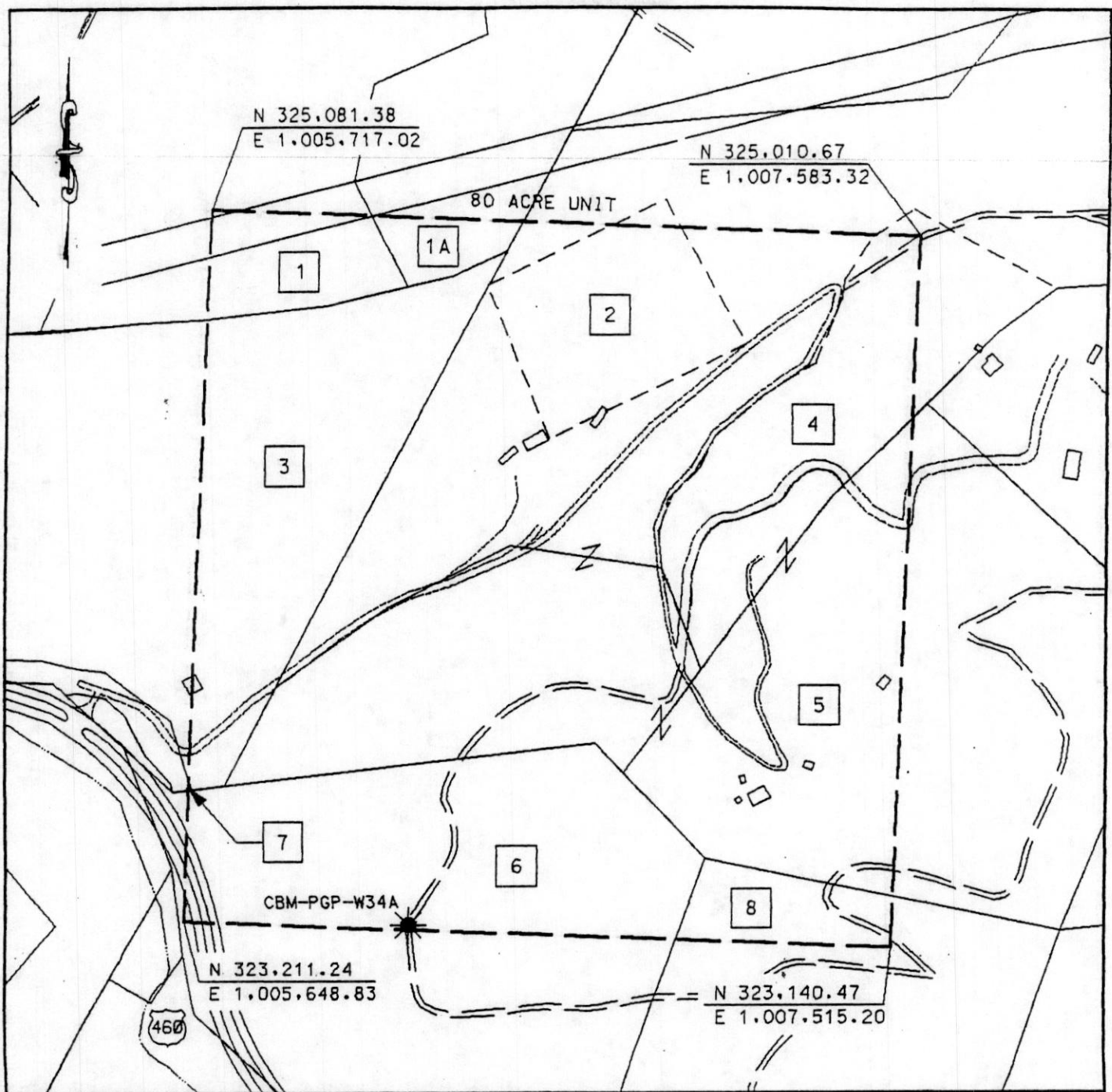
By: 

Anita D. Duty
Pooling Supervisor
CNX Gas Company LLC
2481 John Nash Blvd.
Bluefield, West Virginia 24701

Exhibit A
Tract-by-Tract Escrow Calculation
Account Balances as of 2/28/09

Unit W-34
VGOB 97-0318-0571-05
Acres Escrowed: 8.8482

Owners	Tract #	Acres	Total Tract Percent of Escrow	Fractional Interest	Owners' Percent of Escrow (50%)	Amount Due Owners \$24,877.53
Hurt McGuire Land Trust	4c	5.47	61.8205%	—	30.9102%	\$7,689.70
Carl Davis - O&G					30.9102%	\$7,689.70
Hurt McGuire Land Trust	4f	2.1082	23.8263%		11.9132%	\$2,963.70
O.H. Keen Heirs		11.91			11.9132%	\$2,963.70
Nellie Maynard		0.0368		1/324	0.2077%	\$51.68
Danny Elder		0.0368		1/324	0.2077%	\$51.68
Robert Elder		0.0368		1/324	0.2077%	\$51.68
Joseph P. Horne		0.2206		1/54	1.2463%	\$310.06



LEGEND

← TRACT LAND HOOK

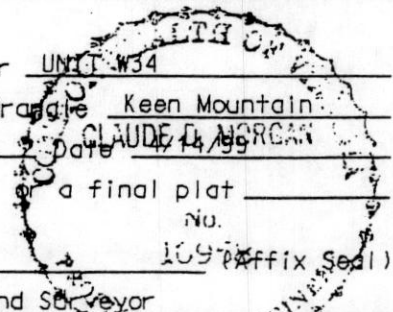
[2] TRACT LAND ID'S

EXHIBIT A
OAKWOOD FIELD UNIT W-34
FORCE POOLING
VGOB-97-0318-0571-01

Company Pochohontas Gas Partnership Well Name and Number UNIT W34
Tract No. _____ Elevation _____ Quadrangle Keen Mountain
County Buchanan District Garden Scale: 1" = 400' Date 4/14/99
This plat is a new plat X ; an updated plat _____ ; a final plat _____
No. _____

Form DGO-GO-7
Rev. 9/91

Claude D. Morgan
Licensed Professional Engineer or Licensed Land Surveyor



POCAHONTAS GAS PARTNERSHIP
Oakwood Field Unit W-34
Tract Identifications

1. Yukon Pocahontas Coal Co. et al - Tr. 6 - Coal, Oil & Gas
Coal Lessees
Island Creek Coal Company
Jewell Smokeless Coal Corporation
Permac, Inc.
Pocahontas Gas Partnership - CBM Lessee
Yukon Pocahontas Coal Co. et al - Tr. 6 - Surface
3.22 acres 4.0250%
- 1A. Curtis Thurman Davis - Surface
2. Hurt McGuire Heirs - Coal
Coal Lessees
Island Creek Coal Company
Jewell Smokeless Coal Corporation
Permac, Inc.
Pocahontas Gas Partnership - CBM Lessee
Carl Davis - Surface, Oil & Gas
5.32 acres 6.6500%
3. Hurt McGuire Heirs - Coal, Oil & Gas
Coal Lessees
Consolidation Coal Company
Jewell Smokeless Coal Corporation
Permac, Inc.
Pocahontas Gas Partnership - Oil & Gas Lessee
Pocahontas Gas Partnership - CBM Lessee
12.71 acres 15.8875%
4. Hurt McGuire Heirs - Coal
Coal Lessees
Consolidation Coal Company
Jewell Smokeless Coal Corporation
Permac, Inc.
Pocahontas Gas Partnership - Oil & Gas Lessee
Pocahontas Gas Partnership - CBM Lessee
Hassell & Vonda Davis - Surface, Oil & Gas
7.37 acres 9.2125%
5. Hurt McGuire Heirs - Coal
Coal Lessees
Consolidation Coal Company
Jewell Smokeless Coal Corporation
Permac, Inc.
Curtis Thurman Davis - Oil & Gas
Pocahontas Gas Partnership - CBM, Oil & Gas Lessee
36.40 acres 45.5000%

POCAHONTAS GAS PARTNERSHIP
Oakwood Field Unit W-34
Tract Identifications

6. Yukon Pocahontas Coal Co. et al - Tr. 94 - Fee
Coal Lessees
Consolidation Coal Company
Jewell Smokeless Coal Corporation
Permac, Inc.
Pocahontas Gas Partnership - CBM Lessee
12.80 acres 16.0000%
7. Virginia Department Of Transportation - Coal, Oil & Gas
0.01 acres 0.0125%
8. Yukon Pocahontas Coal Co. et al - Tr. 95 - Fee
Coal Lessees
Consolidation Coal Company
Jewell Smokeless Coal Corporation
Permac, Inc.
Pocahontas Gas Partnership - CBM Lessee
2.17 acres 2.7125%

Exhibit E
Unit W-34
Docket #VGOB-97-0318-0571-05
List of Conflicting Owners/Claimants that require escrow

	Acres in Unit	Percent of Unit	4 Right 0.67104%	Division of Interest in		
				11 East 0.1695%	12 East 7.5514%	13 East 4.2421%
Tract #4F, 11.91 acres						
<u>COAL FEE OWNERSHIP</u>						
(1) Hurt McGuire Land Trust c/o Charles Green P.O. Box 1067 Bluefield, VA 24605	11.91 acres	14.88750%	0.09990%	0.02523%	1.12421%	0.63154%
<u>OIL & GAS FEE OWNERSHIP</u>						
O.H. Keen Heirs, Devisees, Successors or Assigns	11.91 acres	14.88750%	0.09990%	0.02523%	1.12421%	0.63154%
(2) Mary Elizabeth Horn Heirs, Devisees, Successors or Assigns						
(a) Arizona Osborne Heirs, Devisees, Successors or Assigns						
(a.1) Martha Guilliams 1911 McVieety Salem, VA 24153	0.07 acres 1/162 of 11.91 acres	0.09190%	0.00062%	0.00016%	0.00694%	0.00390%
(a.2) Sidney Smith 1977 McVieety Salem, VA 24153	0.07 acres 1/162 of 11.91 acres	0.09190%	0.00062%	0.00016%	0.00694%	0.00390%
(a.3) Kenneth Osborne 848 Peyton Street Roanoke, VA 24019	0.07 acres 1/162 of 11.91 acres	0.09190%	0.00062%	0.00016%	0.00694%	0.00390%
(b) Lydia Bell Osborne Deel Blankenship Heirs, Devisees, Successors or Assigns						
(b.1) Mary Keen Rt.1 Box 154 Raven, VA 24639	0.02 acres 1/594 of 11.91 acres	0.02506%	0.00017%	0.00004%	0.00189%	0.00106%
(b.2) Shirley Keen Rt.1 Box 159M Raven, VA 24639	0.02 acres 1/594 of 11.91 acres	0.02506%	0.00017%	0.00004%	0.00189%	0.00106%
(b.7) Ronnie Osborne Rt.1 Box 159M Raven, VA 24639 (Has royalty split, refuses payout)	0.02 acres 1/594 of 11.91 acres	0.02506%	0.00017%	0.00004%	0.00189%	0.00106%
(c) Henry Horn Heirs, Devisees, Successors or Assigns						
(c.1) Patricia Horton 1 Birch Street Raven, VA 24639	0.04 acres 1/324 of 11.91 acres	0.04595%	0.00031%	0.00008%	0.00347%	0.00195%
(c.3) Tammy Boyd 1005 Kents Ridge Road Richlands, VA 24641	0.04 acres 1/324 of 11.91 acres	0.04595%	0.00031%	0.00008%	0.00347%	0.00195%
(c.4) Margie Dye 784 Big Creek Road Richlands, VA 24641	0.04 acres 1/324 of 11.91 acres	0.04595%	0.00031%	0.00008%	0.00347%	0.00195%
(d) Thelma Osborne P.O. Box 33 Raven, VA 24639	0.22 acres 1/54 of 11.91 acres	0.27569%	0.00185%	0.00047%	0.02082%	0.01170%

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Exhibit E
Unit W-34
Docket #VGOB-97-0318-0571-05
List of Conflicting Owners/Claimants that require escrow

	Acres in Unit	Percent of Unit	4 Right 0.67104%	Division of Interest in		
				11 East 0.1695%	12 East 7.5514%	13 East 4.2421%
(f) Nancy Stilwell 147 Rasnake Road N. Tazewell, VA 24630	0.22 acres 1/54 of 11.91 acres	0.27569%	0.00185%	0.00047%	0.02082%	0.01170%
(g) Martha E. Smith P.O. Box 395 Max Meadows, VA 24360	0.22 acres 1/54 of 11.91 acres	0.27569%	0.00185%	0.00047%	0.02082%	0.01170%
(h) Sarah Jane Day P.O. Box 208 Peterstown, WV 24963	0.22 acres 1/54 of 11.91 acres	0.27569%	0.00185%	0.00047%	0.02082%	0.01170%
(i) Carl Horn Heirs, Devisees, Successors or Assigns						
(i.1) Marilyn Taylor Rt 1 Box 1445 Pounding Mill, VA 24637	0.22 acres 1/54 of 11.91 acres	0.27569%	0.00185%	0.00047%	0.02082%	0.01170%
(j) Hester Brown Heirs, Devisees, Successors or Assigns <i>Heirs Unknown</i>	0.28 acres 1/42 of 11.91 acres	0.35446%	0.00238%	0.00060%	0.02677%	0.01504%

Tract #4G, 1.26 acres

COAL FEE OWNERSHIP

(1) Hurt McGuire Land Trust c/o Charles Green P.O. Box 1067 Bluefield, VA 24605	1.26 acres	1.57500%	0.01057%	0.00267%	0.11893%	0.06681%
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OIL & GAS FEE OWNERSHIP

(1) Johnnie B. Keen, et ux. P.O. Box 15 Pounding Mill, VA 24637	1.26 acres	1.57500%	0.01057%	0.00267%	0.11893%	0.06681%
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Tract #6, 0.01 acres

COAL FEE OWNERSHIP

(1) Commonwealth of Virginia Department of Transportation P.O. Box 1768 Bristol, VA 24203	0.01 acres	0.01250%	0.00008%	0.00002%	0.00094%	0.00053%
(2) Consolidation Coal Company (Pocahontas No. 3 Seam Only) P. O. Box 947 Bluefield, VA 24605						

Escrow 28.6716% of this tract for P3 Seam Conflict

OIL & GAS FEE OWNERSHIP

(1) Commonwealth of Virginia Department of Transportation P.O. Box 1768 Bristol, VA 24203	0.01 acres	0.01250%	0.00008%	0.00002%	0.00094%	0.00053%
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Exhibit EE
Unit W-34
Docket # VGOB-97-0318-0571-05
List of Conflicting Owners/Claimants with Royalty Split Agreements

		Division of Interest in					
	Acres in Unit	Percent of Unit	4 Right 0.67104%	11 East 0.1695%	12 East 7.5514%	13 East 4.2421%	Percent of Escrow
<u>Tract #4C, 5.47 acres</u>							
<u>COAL FEE OWNERSHIP</u>							
(1)	Hurt McGuire Land Trust c/o Charles Green P.O. Box 1067 Bluefield, VA 24605	5.47 acres	6.83750%	0.04588%	0.01159%	0.51633%	0.29005% 30.9102%
<u>OIL & GAS FEE OWNERSHIP</u>							
(1)	Carl Davis P.O. Box 343 Doran, VA 24612	5.47 acres	6.83750%	0.04588%	0.01159%	0.51633%	0.29005% 30.9102%
<u>Tract #4F, 11.91 acres</u>							
<u>COAL FEE OWNERSHIP</u>							
(1)	Hurt McGuire Land Trust c/o Charles Green P.O. Box 1067 Bluefield, VA 24605	11.91 acres	14.88750%	0.09990%	0.02523%	1.12421%	0.63154%
<u>OIL & GAS FEE OWNERSHIP</u>							
	O.H. Keen Heirs, Devisees, Successors or Assigns	11.91 acres	14.88750%	0.09990%	0.02523%	1.12421%	0.63154%
(1)	Stella Keen Clifton Heirs, Devisees, Successors or Assigns						
(a)	Jean Davis Rt.1 Box 175B Raven, VA 24639	0.40 acres 1/30 of 11.91 acres	0.49625%	0.00333%	0.00084%	0.03747%	0.02105% <i>Already Disbursed</i>
(b)	Guster Clifton RR1 Box 184 Raven, VA 24639	0.40 acres 1/30 of 11.91 acres	0.49625%	0.00333%	0.00084%	0.03747%	0.02105% <i>Already Disbursed</i>
(c)	Jerrell Clifton P.O. Box 668 John Clifton Road Oakwood, VA 24631	0.40 acres 1/30 of 11.91 acres	0.49625%	0.00333%	0.00084%	0.03747%	0.02105% <i>Already Disbursed</i>
(d)	Delcia Alderson 4701 Florist Road NW Roanoke, VA 24012	0.40 acres 1/30 of 11.91 acres	0.49625%	0.00333%	0.00084%	0.03747%	0.02105% <i>Already Disbursed</i>
(e)	Andrew Short Heirs, Devisees, Successors or Assigns						
(e.1)	Ruby G. Short Winesett 1341 Johnsbury Court NE Roanoke, VA 24109	0.40 acres 1/30 of 11.91 acres	0.49625%	0.00333%	0.00084%	0.03747%	0.02105% <i>Already Disbursed</i>
(2)	Mary Elizabeth Horn Heirs, Devisees, Successors or Assigns						
(b)	Lydia Bell Osborne Deel Blankenship Heirs, Devisees, Successors or Assigns						
(b.3)	Patsy Moore HC62 Box 114 Raven, VA 24639	0.02 acres 1/594 of 11.91 acres	0.02506%	0.00017%	0.00004%	0.00189%	0.00106% <i>Already Disbursed</i>
(b.4)	Brenda Justice P.O. Box 522 Keen Mountain, VA 24624	0.02 acres 1/594 of 11.91 acres	0.02506%	0.00017%	0.00004%	0.00189%	0.00106% <i>Already Disbursed</i>
(b.5)	James Osborne P.O. Box 484 Keen Mountain, VA 24624	0.02 acres 1/594 of 11.91 acres	0.02506%	0.00017%	0.00004%	0.00189%	0.00106% <i>Already Disbursed</i>
(b.6)	Clifford Heirs, Devisees, Successors or Assigns						

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Exhibit EE
Unit W-34
Docket # VGOB-97-0318-0571-05
List of Conflicting Owners/Claimants with Royalty Split Agreements

	Acres in Unit	Percent of Unit	Division of Interest in				Percent of Escrow
			4 Right 0.67104%	11 East 0.1695%	12 East 7.5514%	13 East 4.2421%	
(b.6.1) Phyllis W. Osborne Rt.1 Box 157E Raven, VA 24639	0.02 acres 1/594 of 11.91 acres	0.02506%	0.00017%	0.00004%	0.00189%	0.00106%	Already Disbursed
(b.8) Charles M. Osborne 216 Plantation Road Richlands, VA 24641	0.02 acres 1/594 of 11.91 acres	0.02506%	0.00017%	0.00004%	0.00189%	0.00106%	Already Disbursed
(b.9) Richard Osborne P.O. Box 585 Keen Mountain, VA 24624	0.02 acres 1/594 of 11.91 acres	0.02506%	0.00017%	0.00004%	0.00189%	0.00106%	Already Disbursed
(b.10) William Osborne Heirs, Devisees, Successors or Assigns							
(b.10.1) Joyce Mae c/o Rose Mae P.O. Box 172 Cooleemee, NC 27014	0.02 acres 1/594 of 11.91 acres	0.02506%	0.00017%	0.00004%	0.00189%	0.00106%	Already Disbursed
(b.11) John David Osborne Heirs, Devisees, Successors or Assigns							
(b.11.1) Darlene B. Osborne Rt.1 Box 157 Raven, VA 24639	0.02 acres 1/594 of 11.91 acres	0.02506%	0.00017%	0.00004%	0.00189%	0.00106%	Already Disbursed
(c) Henry Horn Heirs, Devisees, Successors or Assigns							
(c.2) Nellie Maynard Box 296 Raven, VA 24639	0.04 acres 1/324 of 11.91 acres	0.04595%	0.00031%	0.00008%	0.00347%	0.00195%	0.2077%
(c.5) Danny W. Elder P.O. Box 296 Raven, VA 24639	0.04 acres 1/324 of 11.91 acres	0.04595%	0.00031%	0.00008%	0.00347%	0.00195%	0.2077%
(c.6) Robert G. Elder P.O. Box 65 Raven, VA 24639	0.04 acres 1/324 of 11.91 acres	0.04595%	0.00031%	0.00008%	0.00347%	0.00195%	0.2077%
(e) Joseph P. Horne 492 Gray Branch Road Cedar Bluff, VA 24639	0.22 acres 1/54 of 11.91 acres	0.27569%	0.00185%	0.00047%	0.02082%	0.01170%	1.2463%
(3) William David Lewis Keen Heirs, Devisees, Successors or Assigns							
(a) Edward Keen Rt.4 Box 159 Bluefield, WV 24701	0.25 acres 1/48 of 11.91 acres	0.31016%	0.00208%	0.00053%	0.02342%	0.01316%	Already Disbursed
(b) Homer Keen 1771 Heidelberg School Road Stuart, VA 24171	0.25 acres 1/48 of 11.91 acres	0.31016%	0.00208%	0.00053%	0.02342%	0.01316%	Already Disbursed
(c) Virginia Ball Heirs, Devisees, Successors or Assigns							
(c.1) Carol Anita Davis 202 Cliff Street, Lot #12 Richlands, VA 24641	0.08 acres 1/144 of 11.91 acres	0.10339%	0.00069%	0.00018%	0.00781%	0.00439%	Already Disbursed
(c.2) Richard Ball 147 Chesnut Street Fieldale, VA 24089	0.08 acres 1/144 of 11.91 acres	0.10339%	0.00069%	0.00018%	0.00781%	0.00439%	Already Disbursed
(c.3) Carl Ball 1162 Longview Drive Bassett, VA 24055	0.08 acres 1/144 of 11.91 acres	0.10339%	0.00069%	0.00018%	0.00781%	0.00439%	Already Disbursed
(d) William Albert Keen 6091 Red Root Ridge Road Raven, VA 24639	0.25 acres 1/48 of 11.91 acres	0.31016%	0.00208%	0.00053%	0.02342%	0.01316%	Already Disbursed

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				11 East 0.1695%	12 East 7.5514%	13 East 4.2421%	
(e) Mae Cook 141 Virginia Street Kingsport, TN 37660	0.25 acres 1/48 of 11.91 acres	0.31016%	0.00208%	0.00053%	0.02342%	0.01316%	Already Disbursed
(f) Georgia Keen Rt.1 Box 76 Powells Point, NC 27966	0.25 acres 1/48 of 11.91 acres	0.31016%	0.00208%	0.00053%	0.02342%	0.01316%	Already Disbursed
(g) Bonnie Absher P.O. Box 635 Richlands, VA 24641	0.25 acres 1/48 of 11.91 acres	0.31016%	0.00208%	0.00053%	0.02342%	0.01316%	Already Disbursed
(h) Ruby Stanley Heirs, Devisees, Successors or Assigns							
(h.1) Ruth Ann Hunt Heirs, Devisees, Successors or Assigns							
(h.1.1) Sandra Hunt Conner Heirs, Devisees, Successors or Assigns							
(h.1.1.1) Roger W. Conner P.O. Box 9 Axton, VA 24054	0.02 acres 1/480 of 11.91 acres	0.03102%	0.00021%	0.00005%	0.00234%	0.00132%	Already Disbursed
(h.1.2) Kimberly Hunt Kidd 128 Susan Drive Collinsville, VA 24078	0.02 acres 1/480 of 11.91 acres	0.03102%	0.00021%	0.00005%	0.00234%	0.00132%	Already Disbursed
(h.2) Ariene Gilbert Heirs, Devisees, Successors or Assigns							
(h.2.1) Fred Gilbert P.O. Box 204 Doran, VA 24613	0.05 acres 1/240 of 11.91 acres	0.06203%	0.00042%	0.00011%	0.00468%	0.00263%	Already Disbursed
(h.3) William E. Stanley, Jr. 401 Clearview Road Martinsville, VA 24112	0.05 acres 1/240 of 11.91 acres	0.06203%	0.00042%	0.00011%	0.00468%	0.00263%	Already Disbursed
(h.4) James H. Stanley 25 Raceway Drive Bassett, VA 24055	0.05 acres 1/240 of 11.91 acres	0.06203%	0.00042%	0.00011%	0.00468%	0.00263%	Already Disbursed
(h.5) Victoria Webb 326 Greyson Street Martinsville, VA 24112	0.05 acres 1/240 of 11.91 acres	0.06203%	0.00042%	0.00011%	0.00468%	0.00263%	Already Disbursed
(4) Georgie Bell Short Clifton Heirs, Devisees, Successors or Assigns							
(a) Shelby Jean Vandyke 4768 Red Root Ridge Road Raven, VA 24639	0.99 acres 1/12 of 11.91 acres	1.24063%	0.00833%	0.00210%	0.09368%	0.05263%	Already Disbursed
(b) Frances Stella Gross P.O. Box 295 Richlands, VA 24641	0.99 acres 1/12 of 11.91 acres	1.24063%	0.00833%	0.00210%	0.09368%	0.05263%	Already Disbursed
(5) Harry Neal Keen Heirs, Devisees, Successors or Assigns							
(a) Larry Roger Keen P.O. Box 635 Keen Mountain, VA 24639	0.22 acres 1/54 of 11.91 acres	0.27569%	0.00185%	0.00047%	0.02082%	0.01170%	Already Disbursed
(b) Camice Keen 4777 Hale Creek Road Pilgrims Knob, VA 24634	0.22 acres 1/54 of 11.91 acres	0.27569%	0.00185%	0.00047%	0.02082%	0.01170%	Already Disbursed
(c) Phillip Keen P.O. Box 215 Wytheville, VA 24383	0.22 acres 1/54 of 11.91 acres	0.27569%	0.00185%	0.00047%	0.02082%	0.01170%	Already Disbursed

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Unit W-34
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			4 Right 0.67104%	11 East 0.1695%	12 East 7.5514%	13 East 4.2421%	
(d) Eddie Keen Rt.1 Box 96 Raven, VA 24639	0.22 acres 1/54 of 11.91 acres	0.27569%	0.00185%	0.00047%	0.02082%	0.01170%	Already Disbursed
(e) Remus Keen P.O. Box 70 Doran, VA 24612	0.22 acres 1/54 of 11.91 acres	0.27569%	0.00185%	0.00047%	0.02082%	0.01170%	Already Disbursed
(f) Richard Keen P.O. Box 431 Oakwood, VA 24624	0.22 acres 1/54 of 11.91 acres	0.27569%	0.00185%	0.00047%	0.02082%	0.01170%	Already Disbursed
(g) Inez Acklin 332 Mary Street Bristol, VA 24201	0.22 acres 1/54 of 11.91 acres	0.27569%	0.00185%	0.00047%	0.02082%	0.01170%	Already Disbursed
(h) Janice Cook Rt.1 Box 649 Swords Creek, VA 24649	0.22 acres 1/54 of 11.91 acres	0.27569%	0.00185%	0.00047%	0.02082%	0.01170%	Already Disbursed
(i) Harry D. Keen Heirs, Devisees, Successors or Assigns							
(i.1) Beattii Honaker Jarvins 5593 Hayes Road Groveport, OH 43125	0.22 acres 1/54 of 11.91 acres	0.27569%	0.00185%	0.00047%	0.02082%	0.01170%	Already Disbursed
(6) James Henry Keen Heirs, Devisees, Successors or Assigns							
(a) Dexter Keen Rt.2 Box 1 North Tazewell, VA 24630	0.28 acres 1/42 of 11.91 acres	0.35446%	0.00238%	0.00060%	0.02677%	0.01504%	Already Disbursed
(b) Dorothy Clifton P.O. Box 123 Springdale, WV 25986	0.28 acres 1/42 of 11.91 acres	0.35446%	0.00238%	0.00060%	0.02677%	0.01504%	Already Disbursed
(c) Zelvia Keen 1088 Hatrock Rd. Tazewell, VA 24651	0.28 acres 1/42 of 11.91 acres	0.35446%	0.00238%	0.00060%	0.02677%	0.01504%	Already Disbursed
(d) William Keen, Jr. P.O. Box 481 Mabscot, WV 25871	0.28 acres 1/42 of 11.91 acres	0.35446%	0.00238%	0.00060%	0.02677%	0.01504%	Already Disbursed
(e) Della Monk Lancaster 625 Prater Drive Richlands, VA 24641	0.28 acres 1/42 of 11.91 acres	0.35446%	0.00238%	0.00060%	0.02677%	0.01504%	Already Disbursed
(f) Audrey Law 102 Lob Lolly Lane Stafford, VA 22554	0.28 acres 1/42 of 11.91 acres	0.35446%	0.00238%	0.00060%	0.02677%	0.01504%	Already Disbursed

INSTRUMENT #090002345
RECORDED IN THE CLERK'S OFFICE OF
BUCHANAN COUNTY ON
AUGUST 4, 2009 AT 02:19PM

BEVERLY S. TILLER, CLERK
RECORDED BY: NKE

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